

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HENRY JOINER,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:05cv661-D
)	WO
MONTGOMERY POLICE DEP'T, et al.,)	
)	
Defendants.)	

ORDER

Upon CONSIDERATION of the Recommendation of the Magistrate Judge, filed July 20, 2005 (Doc. No. 4), and Plaintiff's Objection, filed July 25, 2005 (Doc. No. 5), and having independently reviewed the file in this case, it is ORDERED as follows:

1. Plaintiff's Objection be and the same is hereby OVERRULED;
2. The Recommendation of the Magistrate Judge be and the same is hereby ADOPTED, APPROVED and AFFIRMED;
3. Plaintiff's § 1983 claims against the Montgomery City Jail and the Montgomery Police Department be and the same are hereby DISMISSED with prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i);
4. to the extent Plaintiff's complaint challenges the constitutionality of a conviction and/or sentence imposed upon him by a state and/or city court located in Montgomery, Alabama, in February 2005, these claims be and the same are hereby DISMISSED with prejudice pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(ii); and

5. this case be and the same is hereby DISMISSED prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

DONE this 28th day of July, 2005.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE